

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

- - - - - X

IN RE: NEURONTIN MARKETING, SALES	MDL DOCKET
PRACTICES, AND PRODUCTS LIABILITY	NO. 1629
LITIGATION	MASTER FILE
	NO. 04-10981
	JUDGE PATTI B.
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THIS DOCUMENT RELATES TO:	SARIS
SHEARER V. PFIZER, ET AL.;	MAGISTRATE
1:07-CV-11428-PBS	JUDGE LEO T.
- - - - - X	SOROKIN
VOLUME I	Pages 1-212

VIDEOTAPED DEPOSITION OF DAVID P. FRANKLIN, Ph.D.,
a witness called by counsel for the defendant,
Pfizer, Inc., taken before Kimberly A. Smith,
Certified Realtime Reporter, Registered Diplomate
Reporter, and Notary Public in and for the
Commonwealth of Massachusetts, at the Law Offices of
Greene, LLP, 33 Broad Street, Boston, Massachusetts
02109, on Friday, December 18, 2009, commencing at
9:16 a.m.

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16 for the Witness.

17
18 Also Present: George Dobrentey, Videographer

1 allegation you made of improper conduct?

2 A. I don't know.

3 Q. So in fact, you don't know whether some of
4 the things that you thought were improper were, in
5 fact, improper?

6 A. I just remember the Department of Justice
7 press release and that sort of stuff where they laid
8 out what was improper --

9 Q. Right.

10 A. -- and -- and what the company -- and the
11 company's guilty plea.

12 MR. OHLEMEYER: Let me mark -- Hopefully we
13 can do this quickly and then take a break. Let me
14 mark -- Well, I'll find it. Here we go.

15 Let me mark this as our next exhibit.

16 (Franklin Exhibit No. 4 was
17 marked for identification.)

18 BY MR. OHLEMEYER:

19 Q. Dr. Franklin, I've handed you what we've
20 marked as Franklin Exhibit No. 4. And I suspect
21 you'd agree with me it's a map of the United States?

22 A. I do.

23 Q. Can you tell me whether you ever visited a
24 doctor while you were employed at Parke-Davis in the

1 State of Washington?

2 A. No.

3 Q. Would you go ahead and write "no" in the
4 State of Washington for me? Or put "No visit" for
5 me. Write "No visit."

6 MR. SOH: You know, I will interject with --
7 I will defer to Tom, but can we do like larger -- can
8 we just -- instead of doing 40 states, can we do
9 regions or something like --

10 MR. GREENE: Can we just put a "Y" in the
11 state that he promoted in?

12 BY MR. OHLEMEYER:

13 Q. Can you -- I'll rephrase the question.

14 Can you tell me, Dr. Franklin, which
15 states that you actually visited doctors in while you
16 were employed at Parke-Davis?

17 A. I believe it was Maine --

18 Q. Let me -- Let me stop you there. Do you
19 recall how many doctors you visited in Maine?

20 A. No.

21 Q. All right. Where else?

22 A. Massachusetts, Rhode Island, Connecticut.
23 I believe Connecticut. New Hampshire. And possibly
24 New York.

1 Q. Can you -- can you tell me how many doctors
2 you might have visited in Massachusetts?

3 A. The bulk of them would have been in
4 Massachusetts, but I do not recall.

5 Q. When you say "bulk," is that, you know,
6 90 percent --

7 A. 80 percent --

8 Q. 80 percent.

9 A. -- 85 percent.

10 Q. How many doctors do you recall seeing in
11 Rhode Island?

12 A. I don't recall.

13 Q. Let me ask you this. After Massachusetts,
14 what would the second most --

15 A. Rhode Island.

16 Q. Rhode Island. You saw more doctors in
17 Rhode Island than anywhere else. All right. Can I
18 then -- can we -- Do you remember the names -- If I
19 didn't ask you that --

20 A. Yes.

21 Q. -- do you remember the names of any of the
22 doctors you actually saw in any of these states?

23 A. I don't.

24 Q. And it's fair to say that any of these

1 doctors you saw you would have seen sometime between
2 April 1 and August 1 of 1996?

3 A. Yes.

4 Q. Can you go ahead then for me and write the
5 word "visit" -- or "no" --

6 A. It will be tough to fit "visit" in Rhode
7 Island.

8 Q. Let me ask you to do this. Why don't you
9 take the pen and just kind of mark out the states
10 that you actually visited doctors in.

11 A. (Witness complied.)

12 That I believe I visited?

13 Q. Right.

14 A. Right.

15 Q. And you can even put a question mark in New
16 York if that makes you feel more comfortable.

17 A. (Witness complied.)

18 Q. So -- so without belaboring this, doctor,
19 am I correct that when you were employed at
20 Parke-Davis, you never visited a doctor in any state
21 besides Maine, Massachusetts, Rhode Island,
22 Connecticut, New Hampshire, and perhaps New York;
23 is that right?

24 A. Yes. I'm not sure about Vermont. I'm not

1 sure if you mentioned Vermont. But yes.

2 Q. You do or you don't recall Vermont?

3 A. I don't recall Vermont.

4 Q. And am I correct that while you were
5 employed at Parke-Davis -- while you were -- strike
6 that.

7 While you were employed at Parke-Davis,
8 doctor, the bulk of the visits you made -- probably
9 85 percent of them -- were to doctors in Massachusetts?

10 A. Yes.

11 Q. And I'm also correct that you never visited
12 any doctor in any other state in the United States?

13 A. That's true.

14 MR. OHLEMEYER: Do you want to take a break?

15 MR. GREENE: Sure.

16 THE VIDEOGRAPHER: The time is 11:54 a.m.

17 This is the end of Tape 2 and we're off the record.

18 (Whereupon, at 11:55 a.m.,
19 the deposition was recessed,
20 to reconvene at 12:45 p.m.
21 this same date.)

22

23

24

1 AFTERNOON SESSION

2 (12:52 p.m.)

3 THE VIDEOGRAPHER: The time is 12:52 p.m.
4 This is the beginning of Tape 3, and we are back on
5 the record.

6 DAVID P. FRANKLIN, Ph.D.,
7 the witness at the time of recess, having
8 been previously duly sworn, was further
9 deposed and testified as follows:

10 EXAMINATION (continued)

11 BY MR. OHLEMEYER:

12 Q. All right. Again, David -- or
13 Dr. Franklin -- David -- if you want to take a break,
14 let me know. If you don't understand a question, let
15 me know.

16 A. Yes.

17 Q. Can you tell me what states were within the
18 Northeast CBU?

19 A. I -- It was the New England states, so
20 Maine, New Hampshire, Vermont, Connecticut, Rhode
21 Island, Massachusetts, parts of New Jersey and parts
22 of New York. And I believe Pennsylvania, parts of
23 Pennsylvania also. Perhaps all of Pennsylvania.

24 Q. So there were parts of the Northeast CBU

1 that either you were not responsible for or didn't
2 visit during your Parke-Davis days?

3 A. That's right. There were medical liaisons
4 spread out throughout the Northeast.

5 Q. And what states were part of the Southeast
6 CBU?

7 A. I don't recall specifically. But North
8 Carolina, South Carolina, Georgia, Florida. The
9 Southeast.

10 Q. Did you ever have any personal involvement
11 or firsthand involvement in the Southeast CBU?

12 A. No, I did not.

13 Q. Do you -- Would you agree with me that in
14 general, a medical liaison program serves a legitimate
15 purpose?

16 MR. ALTMAN: Objection. Form.

17 THE WITNESS: I don't know. I . . .

18 BY MR. OHLEMEYER:

19 Q. Well, let me rephrase the question.

20 A. Okay. Okay.

21 Q. If you wanted to put a program together to
22 provide information to doctors, and if you followed
23 all the rules, then there wouldn't be anything
24 inherently wrong with that kind of program?